

Durbin et al.

S/N: 09/681,017

undeliverable. Attached hereto as Exhibit A is a copy of the returned email. Further attempts to contact Ms. Durbin were unsuccessful, and it was confirmed by Ms. Durbin's spouse that she was no longer employed by the assignee and did not wish to be contacted. Attached hereto as Exhibit B is a copy of the email correspondences with Mr. Phillip Durbin, joint inventor Winnie Durbin's spouse. Thus, despite numerous efforts, the undersigned was unable to obtain the contact information and cooperation of Ms. Durbin.

During the efforts to contact Ms. Durbin and to obtain the evidence required to establish diligence in compliance 37 C.F.R. § 1.131, it was further brought to the undersigned's attention that four inventors were incorrectly omitted from the application as originally filed. Thus, a Petition to Correct Inventorship under 37 C.F.R. § 1.48 is being filed concurrently herewith, effectively adding joint inventors David T. Mehring, Thomas L. Lamoureux, Hubert A. Zettel, and Timothy D. Butler. Mr. Mehring, Mr. Lamoureux, Mr. Zettel, and Mr. Butler have, as joint inventors, have agreed to sign the declaration under 37 C.F.R. § 1.131.

Accordingly, Applicant believes that it should not be prejudiced by the lack of signatures from a missing former employee and two uncooperative former employees, especially considering Applicant is able to supply the signatures of four additional joint inventors to support the declarations under 37 C.F.R. § 1.131 and 37 C.F.R. § 1.48.

Applicant therefore respectfully requests the suspension of the rules of § 1.131 and § 1.48 requiring signatures from all joint inventors on the declarations. Applicant hereby authorizes charging of Deposit Account No. 50-2402 for the fee of \$400.00 under 37 C.F.R. 1.17(f).

Applicant appreciates the consideration of this Petition and invites the Office of Petitions to contact the undersigned, should any matters be considered unresolved.

Respectfully submitted,

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